

REMARKS/ARGUMENTS

Favorable consideration of this application in light of the following discussion is respectfully requested.

Claims 106-118, 122-132, 136-144, 148-182 and 184-232 are presently pending in this application.

In the outstanding Office Action, Claims 106-118, 122-125, 127-132, 136, 137, 139-144, 148, 149, 151-159, 161-165, 167-173, 179-182 and 184 were rejected under 35 U.S.C. § 102(b) as being anticipated by Ohtsuki et al. (WO99/46835, hereinafter Ohtsuki); Claims 151-153, 158 and 179 were rejected under 35 U.S.C. § 102(e) as being anticipated by Hagiwara (US 2001/0048083); and Claims 106, 124-127, 136-139, 148-151, 159-162, 166, 174-178 and 210 were rejected under 35 U.S.C. § 102(e) as being anticipated by Nishi (US 2003/0081192).

The present application claims priorities of the following five Japanese Patent Applications:

- (1) Japanese Patent Application No. 11-257969 (filed September 10, 1999)
- (2) Japanese Patent Application No. 11-258089 (filed September 10, 1999)
- (3) Japanese Patent Application No. 11-259615 (filed September 13, 1999)
- (4) Japanese Patent Application No. 2000-153320 (filed May 24, 2000)
- (5) Japanese Patent Application No. 2000-190826 (filed June 26, 2000)

Among the rejected claims, Claims 106-118, 122, 123, 127-132 and 139-144 are based on the disclosure of the above (1) application; Claims 151-158, 179-182 and 184 are based on the disclosure of the above (3) application; and Claims 161-165 and 167-173 are based on the disclosure of the above (2) application.

Regarding the rejection of Claims 106-118, 122, 123, 127-132, 139-144, 151-158, 161-165, 167-173, 179-182 and 184 under 35 U.S.C. § 102(b) as being anticipated by Ohtsuki, Applicants note that the international publication date of Ohtsuki is September 16, 1999, and the U.S. filing date of the corresponding U.S. application (now U.S. Patent No.

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6,590,698) is March 30, 2000. However, as noted above, Claims 106-118, 122, 123, 127-132, 139-144, 151-158, 161-165, 167-173, 179-182 and 184 have the right of priority to Japanese Patent Application No. 11-257969, filed on September 10, 1999. Therefore, Applicants request withdrawal of the rejection of Claims 106-118, 122, 123, 127-132, 139-144, 151-158, 161-165, 167-173, 179-182 and 184 under 35 U.S.C. § 102(b) in view of Ohtsuki.

Regarding the rejection of Claims 151-153, 158 and 179 under 35 U.S.C. § 102(e) in view of Hagiwara, Applicants note that the U.S. filing date of Hagiwara is March 14, 2001, whereas the filing dates of all the five of Applicants' priority documents are earlier than March 14, 2001. Therefore, Applicants request withdrawal of the rejections of Claims 151-153, 158 and 179 under 35 U.S.C. § 102(e) in view of Hagiwara.

Regarding the rejection of Claims 106, 124-127, 136-139, 148-151, 159-162, 166, 174-178 and 210 under 35 U.S.C. § 102(e) in view of Nishi, Applicants note that the U.S. filing date of Nishi is September 13, 2000, whereas the filing dates of all the five of Applicants' priority documents are earlier than September 13, 2000. Therefore, Applicants request withdrawal of the rejections of Claims 106, 124-127, 136-139, 148-151, 159-162, 166, 174-178 and 210 under 35 U.S.C. § 102(e) in view of Nishi.

Regarding the rejection of Claims 124, 136, and 148 under 35 U.S.C. § 102(b) as being anticipated by Ohtsuki, Applicants note that that each of these claims recite, *inter alia*, "a wavelength calibration control unit which performs wavelength calibration based on temperature dependence data of detection reference wavelength of [a] beam monitor mechanism." Ohtsuki discloses adjustment of wavelength, however, Ohtsuki neither discloses nor suggests performing wavelength calibration based on temperature dependence data of detection reference wavelength of [a] beam monitor mechanism as recited in Claims 124, 136, and 148.

Regarding the rejection of Claims 125, 137 and 149 under 35 U.S.C. § 102(b) as being anticipated by Ohtsuki, Applicants submit these claims distinguish over Ohtsuki for essentially the same reasons cited above relative to Claims 124, 136 and 148. Furthermore, while Ohtsuki discloses a large mode diameter fiber having polarization coupling elements 44 in Fig. 4, Ohtsuki neither discloses nor suggests orderly arranging a polarized state of a plurality of light beams having passed through a plurality of optical fibers, and converting all light beams having passed through a plurality of optical fibers into a plurality of linearly polarized light beams that have the same polarized direction as recited in Claims 124, 136 and 148.

With regard to the rejection of Claim 159 under 35 U.S.C. § 102(b) as being anticipated by Ohtsuki, Applicants note that Claim 159 is depends from Claim 151. Applicants submit, while Ohtsuki discloses adjustment of wavelength, Ohtsuki neither discloses nor suggests performing wavelength calibration based on temperature dependence data of detection reference wavelength of a beam monitor mechanism as recited in Claim 151. Further, while Ohtsuki discloses a large mode diameter fiber having polarization coupling elements 44 in Fig. 4, Ohtsuki neither discloses nor suggests orderly arranging a polarized state of a plurality of light beams having passed through a plurality of optical fibers, and converting all light beams having passed through a plurality of optical fibers into a plurality of linearly polarized light beams that have the same polarized direction as recited in Claim 159.

As Ohtsuki fails to disclose or suggest all the elements of Claims 124, 125, 136, 137, 148, 149, and 159, Applicants submit the inventions defined by Claims 124, 125, 136, 137,

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148, 149, and 159, and all claims depending therefrom, are not anticipated by Ohtsuki for at least the reasons stated above.¹

Accordingly, Applicants submit that Claims 106-118, 122-132, 136-144, 148-182 and 184-232 are in condition for allowance, and an early and favorable action on the merits is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Masayasu Mori
Attorney of Record
Registration No. 47,301
Michael E. Monaco
Registration No. 52,041

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
MM/MEMO/kkn

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¹ MPEP § 2142 "...the prior art reference (or references when combined) must teach or suggest **all** the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)."